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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA,

No. 2:15-CR-144-SMJ-11

8 Plaintiff,

9 vs.

ORDER DENYING DEFENDANT'S
MOTION FOR RECONSIDERATION
OF DETENTION

10 SEAN ROULLIER,

11 ☒ Motion Denied

12 Defendant.

(ECF No. 326)

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14 At the April 7, 2016, hearing on Defendant's Motion for Reconsideration of
15 Detention, ECF No. 326, Defendant was present with counsel Terence M. Ryan.
16 Assistant U.S. Attorney Allyson Edwards represented the United States.

17 The Court has reviewed the Report of Pretrial Services, ECF No. 267, the
18 Supplemental Report at ECF No. 340, and the argument of counsel.

19 The Court has no information regarding the circumstances of the alleged
20 offense, or the strength of the government's case.

21 Defendant has lived most of his life in Spokane, has family in the city and, if
22 released, can live with his mother in Spokane.

23 According to available evidence, Defendant is 30 years old. His criminal
24 record over the twelve years since he became an adult consists of fourteen felonies,
25 under seven different cause numbers. He has been the subject of six bench
26 warrants, and additional administrative warrants. On four occasions, he has
27 violated conditions of either pretrial release or sentence. His latest felony resulted
28 in a two-year prison sentence, so this record has been accumulated in the ten years

1 that he was not custody.

2 In 2007, by virtue of a state DOSA sentence (Drug Offender Sentencing
3 Alternative), Defendant presumably received significant drug treatment. By
4 defense counsel's argument in court, Defendant was again afforded DOSA drug
5 abuse treatment while serving his current 2014 state sentence.

6 The crime(s) alleged are presumably non-violent. Defendant has a
7 misdemeanor assault conviction dated 2014. Though no disposition *per se* is
8 reported, the evidence implies that there was a contemporaneous no-contact order
9 in effect until 2019.

10 In court Defendant argued that he should be released because he completed
11 his recent prison sentence on March 7, 2016, and pending trial in this matter, may
12 reside in Spokane with his mother and participate in the out-of-custody phase of
13 his state DOSA program.

14 After requesting further information from Pretrial Services, the Court
15 understands that the [state] release plan upon which Defendant's March 7 release
16 date depends has not been approved by state DOC and, were this Court to release
17 Defendant, he would remain in state custody and be transported to Airway Heights
18 Correctional Center.

19 This Court has considered 18 U.S.C. § 3142 and the nature and
20 circumstances of the offense charged, the weight of the evidence against the
21 Defendant, as well as Defendant's history and characteristics, including character,
22 physical and mental condition, family ties, employment, financial resources, length
23 of residence in the community, community ties, past conduct and history relating
24 to alcohol and drug abuse, and also criminal history, record concerning appearance
25 at court proceedings, whether Defendant was under supervision at the time of the
26 alleged offense. and the nature and seriousness of the danger to the community
27 posed by Defendant's release.

28 The Court finds the United States has established by the required

1 preponderance of evidence an absence of conditions or combination of conditions
2 that would reasonably assure this Defendant's presence at trial, but has not
3 established by clear and convincing evidence that Defendant poses a present risk to
4 the safety of other persons or the community.

5 **IT IS ORDERED** the Defendant's Motion, **ECF No. 326**, is **DENIED**.

6 If a party desires that another Court review this order pursuant to 18 U.S.C.
7 § 3145, that party shall promptly file a motion for review before the district judge
8 to whom the case is assigned, as further described in the Detention Order Review
9 Protocol published for the Eastern District of Washington. Both parties shall
10 cooperate to insure that the motion is promptly determined.

11 DATED April 8, 2016.

A handwritten signature in black ink, appearing to be "M", is written over a horizontal line.

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE